

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

525I0090

HOUSE BILL NO. 1084

Introduced by: Representatives Dykstra, Bartling, Gillespie, Hackl, Konold, Olson (Ryan),
Rounds, and Van Gerpen and Senators Albers, Kooistra, Nachtigal, and Olson
(Ed)

1 FOR AN ACT ENTITLED, An Act to restrict the use of minor adjustments to school district
2 boundaries.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-6-85 be amended to read as follows:

5 13-6-85. ~~A boundary change, affecting not more than two percent of the assessed valuation~~
6 ~~and not more than two percent of the tax-exempt acreage or other tax-exempt property to be~~
7 ~~determined at the discretion of the school district from which the area is to be taken, A minor~~
8 change to a school district boundary may only be initiated within two years after the boundaries
9 of the affected school districts were changed as the result of school district reorganization or as
10 the result of a boundary change made pursuant to § 13-6-84.2 or other boundary change made
11 pursuant to this title. The aggregate value of the lands taken from a school district through minor
12 boundary changes during the two-year period may not exceed two percent of the assessed
13 valuation of the school district, and the aggregate acreage of all tax exempt property taken from
14 the school district during the two-year period may not exceed two percent of the tax exempt
15 acreage in the school district.



1 A minor boundary change may be made upon an application for a minor boundary change
2 to the school board of the school district from which the area is to be taken and to the school
3 board of the school district to which the area is to be annexed, in the form of a petition signed
4 by over fifty percent of the voters residing in the area to be transferred by the minor boundary
5 change. Copies of the petitions shall also be delivered by the petitioners to the board of county
6 commissioners having jurisdiction over the school districts affected. Any petitioner who is
7 aggrieved by a decision of the school board under this section may appeal that decision.

8 An appeal from the decision of the school board under this section may be made to the circuit
9 court in the time and manner specified by § 13-46-1 or to the secretary of the Department of
10 Education and Cultural Affairs or ~~his~~ the secretary's representative within thirty days from the
11 date of the decision of the school board by filing a notice with the secretary of the school board
12 and mailing a copy ~~thereof~~ of the notice to the secretary of the Department of Education and
13 Cultural Affairs. An appeal to the secretary of the Department of Education and Cultural Affairs
14 may be heard by the secretary or ~~his~~ the secretary's representative. The secretary of the
15 Department of Education and Cultural Affairs shall thereafter set a time and place for the hearing
16 and give at least ten days written notice of the hearing to the parties involved in the appeal,
17 including all affected school districts. An appeal to the secretary is not a "contested case" subject
18 to chapter 1-26. An appeal from the decision of the secretary may be made pursuant to
19 § 13-6-89. On appeal from a decision of the secretary, the appeal shall be heard and determined
20 in the same manner as a direct appeal from the school board decision pursuant to § 13-6-89 and
21 chapter 13-46 without any presumption of the correctness of the decision of the secretary nor
22 may the provisions of § 1-26-36 be applied to the decision of the secretary. Nothing in this
23 section ~~shall affect~~ affects the right of an aggrieved party to appeal from the decision of the
24 school board to the circuit court.